

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

LARRY GROVES,  
Petitioner,

Case No. 1:10-cv-735  
Spiegel, J.  
Litkovitz, M.J.

vs

WARDEN, CHILlicothe CORRECTIONAL  
INSTITUTION,  
Respondent.

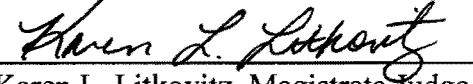
REPORT AND  
RECOMMENDATION

Petitioner, an inmate at the Chillicothe Correctional Institution, has filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a petition for writ of habeas corpus brought under 28 U.S.C. § 2254. (Doc. 1). The total filing fee due in this habeas corpus action is \$5.00. Petitioner's application reveals that as of October 20, 2010, he had \$41.46 in his prison account. (Doc. 1). The application demonstrates petitioner has sufficient funds available to pay the full \$5.00 filing fee in order to institute this action. Accordingly, petitioner's motion should be denied.

**IT IS THEREFORE RECOMMENDED THAT:**

1. Petitioner's application for leave to proceed *in forma pauperis* be **DENIED**.
2. The Clerk of Court be **DIRECTED** to return to petitioner the documents he submitted and to administratively close this matter on the docket of the Court.
3. Any Order adopting this Report and Recommendation shall not affect petitioner's right to file his petition upon payment of the full \$5.00 filing fee.

Date: Oct. 25, 2010

  
Karen L. Litkovitz, Magistrate Judge  
United States District Court

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**NOTICE**

Attached hereto is a Report and Recommendation in the above-entitled habeas corpus action brought under 28 U.S.C. § 2254. Any party may object to the Magistrate Judge's Report and Recommendation **within 14 DAYS** of the filing date of this R&R. Such party shall file with the Clerk of Court and serve on all other parties written objections to the Report and Recommendation, specifically identifying the portion(s) of the proposed findings, recommendations, or report objected to, together with a memorandum of law setting forth the basis for such objection(s). Any response by an opposing party to the written objections shall be filed **within 14 DAYS** after the opposing party has been served with the objections. A party's failure to make objections in accordance with the procedure outlined above may result in a forfeiture of his rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).